

1 Q One other question?

2 What's that number right there?

3 A 702-987-5017.

4 Q And that number called the 901 number;
5 correct?

6 A I'm not - yeah, yes. This is shows a
7 call from 702-987-5017 to 901-347-0425.

8 Q Do you recognize the 702 number?

9 *f* A Uh, the 702 area code is Reno, Nevada, *X*
10 and I used to have an office in Reno. But off the top of my
11 head I don't recognized the number.

12 MR. ROY COOK: Your Honor, I just need a
13 minute to find something in this.

14 THE COURT: Sure.

15 MR. ROY COOK: May I approach, Your
16 Honor?

17 THE COURT: Yes.

18 *X* Q You don't recognize that 702 number?

19 A I said off the top of my head I don't. *X*
20 It could have been a number that I had at one point because
21 I used to have a Reno number. Off the top of my head I
22 don't recall what the 702 number is, no.

23 *X* That was four years ago. *X*

24 MR. ROY COOK: Your Honor, may I present
25 this as Exhibit E? This is part of the D. A.'s response.

1 ASST. GENERAL ROBERT EDWARDS: I have no
2 objection, Your Honor. It's already in the Court's record
3 as part of my response.

4 THE COURT: Very well.

5 Q Did you provide-

6 THE COURT: Please give it to the Court
7 Reporter.

8 MR. ROY COOK: I'm sorry.

9 THE COURT: She needs to mark it.

10

11

(EXHIBIT NUMBER TWO (2),

12

WAS MARKED AND FILED)

13

14 Q Did you prove that to the District
15 Attorney this month?

16 A This looks to be a printout from the
17 file that I sent to Mr. Edwards earlier this month, yes.

18 Q Would you please read the phone number
19 associated with that?

20 A These are calls from area code
21 702-987-5017.

22 Q Again, would you please read this that
23 you've seen before and read that number that you just
24 claimed you do not recognize?

25 A It's-


1 ASST. GENERAL ROBERT EDWARDS: Once
2 again if Mr. Cook is going to show the witness documents I'd
3 like to know what's being shown.

4 THE COURT: Please show them to the
5 District Attorney first.

6 MR. ROY COOK: I'm sorry, Your Honor.

7 A It appears to be the same number, yes.

8 Q It doesn't appear to be, it is the same
9 number.

10 A Okay, yes, I'm sorry, it's the same
11 number, 702-987-5017. 

12 Q Do you still want to stick to your story
13 that you don't recognize that number now?

14 ASST. GENERAL ROBERT EDWARDS: Your
15 Honor, let me interpose an objection at this point.

16 I'm trying to let Mr. Cook have a lot of
17 latitude here for obvious reasons but we've gone on about
18 this 702 number for some time now without demonstrating any
19 relevance that number may have to the issue that we are
20 trying to decide in the hearing today.

21 We've spent probably ten to 15 minutes
22 on it at this point. I would object going any further with
23 it unless relevance can be established.

24 THE COURT: How is this number, the 702
25 area code number relevant to whether or not to there's

1 prosecutorial misconduct to the extent that you want the
2 Court to dismiss the indictment.

3 MR. ROY COOK: Because D. A. Edwards in
4 his response says, that resulted in only the first page
5 printed as it is necessary to open each page separately in
6 Excel in order to get every page to print. Andrew Cook has
7 forwarded the same attachment to the undersign on March 13th,
8 2007, and the entire attachment has been printed and
9 is - and is attached to this response. The additional
10 information is not provided as further discovery. And then
11 he states it is not believed to possess any exculpatory
12 value.

13 If he had reviewed this then he would
14 have seen the exculpatory value.

15 ASST. GENERAL ROBERT EDWARDS: Since I
16 have no idea whose number it is Your Honor, I would not have
17 any idea whether it was exculpatory value to that number or
18 not.

19 MR. ROY COOK: But Your Honor-

20 THE COURT: How is that exculpatory?

21 MR. ROY COOK: How is what exculpatory,
22 Your Honor?

23 THE COURT: You said that that phone
24 number was exculpatory.

25 MR. ROY COOK: It's exculpatory because

1 they did not provide these phone logs four years ago.

2 ASST. GENERAL ROBERT EDWARDS: That's
3 not the definition of exculpatory, Your Honor.

4 THE COURT: (Indiscernible - all talking
5 at once).

6 MR. ROY COOK: And they are exculpatory
7 because they discredit the witness (indiscernible) as to the
8 times of the phone calls and the order of the phone calls.
9 If you give me just a bit more time I can show you where
10 they are relevant, Your Honor.

11 THE COURT: What are you trying to prove
12 again?

13 MR. ROY COOK: Here's another document
14 that was presented in discovery, the times don't jive.

15 I contend that the prosecution has
16 withheld these phone records from me for four years. And
17 then, miraculously, after denying their existence for pretty
18 much two to three years, they miraculously produce phone
19 records. And then they want to stand up here and tell me
20 they are not exculpatory.

21 This proves they are exculpatory because
22 the 702 number which was the plaintiff's home; the 901
23 number apparently had a two minute conversation with
24 themselves.

25 Basically I'm accusing them of doctoring

1 the recordings, Your Honor.

2 ASST. GENERAL ROBERT EDWARDS:

3 Recordings or records, or exactly what are we being accused
4 of doctoring?

5 MR. ROY COOK: The phone recordings.

6 ASST. GENERAL ROBERT EDWARDS:

7 Recordings, I don't have phone recordings-

8 MR. ROY COOK: I'm not accusing you.

9 ASST. GENERAL ROBERT EDWARDS: Sir?

10 MR. ROY COOK: I'm not accusing you of
11 doing it, I'm accusing him.

12 ASST. GENERAL ROBERT EDWARDS: Okay, are
13 we referencing recordings that have been provided in
14 discovery?

15 MR. ROY COOK: Yes.

16 ASST. GENERAL ROBERT EDWARDS: Are we
17 referencing the records that are being shown to the witness
18 now?

19 MR. ROY COOK: Both.

20 ASST. GENERAL ROBERT EDWARDS: I assume
21 you are going to be presenting the recordings later?

22 MR. ROY COOK: Yes, Sir.

23 ASST. GENERAL ROBERT EDWARDS: Okay.

24 MR. ROY COOK: The synopsis of it.

25 ASST. GENERAL ROBERT EDWARDS: Okay.

1 Q So are you really sure you want to sit
2 there and say you did not recognize that number?

3 A Uh, that number is an old phone number
4 that I used to have. I don't believe that I have that phone
5 number anymore. At the time that - may I please.

6 At the time that these records were
7 created I had, I believe, eight different phone numbers.
8 Some of them were from the Reno, Nevada area codes. One of
9 them was from the 901 area code. The 650 and I think we had
10 a couple from 407. So when I said I didn't recognize that
11 number I said it might have been a number I had from Reno.
12 But I haven't had that number for years. So that's why I
13 did not recognize it. But now seeing this from the logs,
14 yes, this was one of the sheets from the Excel Spreadsheet.
15 So yes, this is one of the numbers.

16 Q The 702 number is yours?

17 A The 702 number was mine. I don't
18 believe it's mine anymore.

19 After the company laid off its employees
20 and we shut down our office uh, I gave - I terminated some
21 of the Vonage accounts because I didn't need them. They
22 charged me 25 to \$30.00 a month, there was just no need of
23 doing it. The boxes were not plugged in.

24 I think today I only have four Vonage
25 numbers left.